REMARKS/ARGUMENTS

The Office Action mailed August 3, 2006 has been carefully considered.

Reconsideration in view of the following remarks is respectfully requested.

Claims 1 – 20, 36 – 41, 51 - 70 and 86 are pending in the application. Claims 1, 36, 51, and 86 have been amended to further particularly point out and distinctly claim subject matter regarded as the invention. The amendment to claims 1, 36, 51, and 86 in this supplemental amendment remove the limitation added in the response filed on Support for these changes may be found in the specification, drawings, and claims as originally filed. Applicants respectfully submit, therefore that the amendments do not add new matter.

The 35 U.S.C. § 102 Rejection

Claims 1-20, 26-41, 51-70 and 86 were rejected under 35 U.S.C. § 102(3) as being allegedly anticipated by <u>Hickman et al.</u>[1] (Hickman). This rejection is respectfully traversed. Applicants respectfully submit that claim 1 as amended is not anticipated by Hickman. Claim 1 as currently amended, includes the following limitations.

A method for performing a transaction on a database, the method comprising:
        sending a set of database modifications requested by the transaction to a first database;
        placing a message in one or more message queues, <u>said message indicating objects inserted, updated, or deleted in the transaction;</u>
        sending a commit command to the first database; and
        sending said set of database modifications and a commit command to a second database.

(Amended claim 1) (Emphasis added)

---

[1] U.S. Patent No. 6,523,036

Applicants respectfully submit that Hickman does not include the limitation of placing a message that indicates objects inserted, updated, or deleted in the transaction in one or more message queues.

Hickman discloses fragment reassignment messages that move data from one cluster to another. The messages disclosed in Hickman do not indicate objects inserted, updated, or deleted in the transaction. This is made clear in the cited portion of Hickman, which discloses the following.

f. Fragment maps: all fragment maps on bases are updated via a special-purpose transaction mechanism. A UD is selected using SmartIPs LoadBalanceUDs method. This UD is sent a fragment map reassignment message indicating the source and destination clusters, and the highest and lowest fragment numbers in the range. This UD chooses a unique transaction ID, and invokes the DAL ReassignFragments method for each base in the source and destination clusters, and cluster 1 (which maintains a complete, correct map), in much the same way as in LevCreateSchema above. The DAL records the change as uncommitted, using stored procedures. If they all return success, then the UD invokes the commit method on all involved DALs, otherwise the abort method.

(Hickman, col. 27, lines 12 – 25) (Emphasis added)

The fragment map reassignment message of Hickman indicates the source and destination clusters and the range of fragment numbers. Hickman does not disclose the message indicating objects inserted, updated, or deleted in the transaction. Rather, this message in Hickman is used to transfer data from one database to another. The message disclosed in Hickman therefore cannot be equated with the message as claimed or in any way suggest the message as claimed.

For this reason applicants respectfully submit that claim 1 as currently amended is not anticipated or rendered obvious by Hickman.

Given that claims 36, 51, and 86 include the limitations discussed, and given that claims 2-20, 37-41 and 52-70, depend, directly or indirectly, from claims 1, 36 and 51, respectively, applicants respectfully submit that claims 2 – 20, 36 – 41, 51 – 70, and 86 are, likewise, not anticipated by Hickman.

In regard to claims 10, 40, and 60, applicants respectfully submit that Hickman does not include the limitation of an indexed message that allows access to indicated objects without requiring rescanning other messages in the message queues. Hickman does not address the disadvantage in prior art schemes of lengthy recovery time caused in-part by processing the transaction and recovery logs of the primary database. Rather, Hickman addresses the disadvantages of implementing Internet storage, manipulation, and retrieval schemes using conventional relational database management systems. Hickman, therefore has no need for message indexing and thus not only does Hickman not disclose this limitation, but Hickman, likewise, can not be viewed as rendering the claimed invention obvious.

For these reasons applicants respectfully submit that claims 10, 40, and 60 are not anticipated by Hickman for this additional reason.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance.

Conclusion

It is believed that this Amendment places the above-identified patent application into

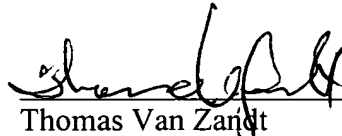condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this

application, the Examiner is invited to call the undersigned attorney at the number indicated

below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Please charge any additional required fee or credit any overpayment not otherwise paid or

credited to our deposit account No. 50-1698.

Respectfully submitted,

THELEN REID BROWN
RAYSMAN & STEINER LLP

Dated: ___1|24|07___

Thomas Van Zandt
Reg. No. 43,219

THELEN REID BROWN
RAYSMAN & STEINER LLP
PO Box 640640
San Jose, CA 95164-0640
Telephone: (408) 292-5800
Facsimile:(408) 287-8040